

Docket-222

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DOCKET FILE COPY ORIGINAL

26 NOV 1993

IN REPLY REFER TO:

7330-7/1700A3

RECEIVED

NOV 26 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Frank R. Wolf
House of Representatives
104 Cannon House Office Building
Washington, D.C. 20515

92-235

Dear Congressman Wolf:

This is in reply to your letter of November 8, 1993, in which you inquired on behalf of your constituent, Mayor Gary W. Chrisman of Winchester, Virginia, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

All major Commission rule makings, including this proceeding, are publicized by a Public Notice containing an agenda for a Commission meeting. The press and interested members of the general public attend the meeting. The Commission makes available a News Release immediately following the meeting summarizing its actions. The text is published in the FCC Record. A summary of proposed rules and the complete text of final rules are published in the Federal Register. Notices of Proposed Rule Making contain a date by which the public may file formal comments. Informal comments may be sent at any time. Copies of comments are available for review at the Commission, or via our third party contractor. The FCC Record and the Federal Register are available in libraries throughout the country. With over one million licenses and many thousands of pages of released text per year, this and other government agencies must rely on interested parties, including user groups and trade press, actively seeking and disseminating information.

Due to the importance and sensitivity of this particular proceeding, we have taken special measures to gather information and inform the public. Prior to the Notice, we issued for comment a Notice of Inquiry, PR Docket No. 91-170, 6 FCC Rcd 4125 (1991), on a broad range of policy issues. We normally provide between 30 and 90 days to formally comment. For this Notice of Inquiry, we provided over 160 days and held a special conference open to the public. For the Notice, we provided over 200 days to formally comment and held two special conferences open to the public. We rarely receive more than a few dozen comments to a private land mobile radio Notice of Proposed Rulemaking. In this case, we received over 700 formal comments, including over 300 from public safety agencies throughout the country.

No. of Copies rec'd
List A B C D E

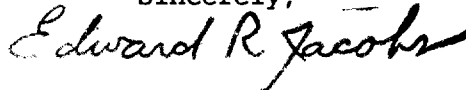
2 copies

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals, plus a discussion paper released March 1, 1993.

We are sensitive to the needs of users of private land mobile radio spectrum and the impact that these proposals may have on their radio systems. We will endeavour to protect all private land mobile radio systems, including those operated by public safety agencies. Your letter will be included in the record of this proceeding and will be fully evaluated when we develop final rules.

Thank you for your interest in this proceeding. We expect to issue final rules in 1994.

Sincerely,

A handwritten signature in black ink that reads "Edward R. Jacobs". The signature is written in a cursive style with a long, sweeping underline.

Edward R. Jacobs
Deputy Chief, Land Mobile and
Microwave Division
Private Radio Bureau

Enclosures

FRANK R. WOLF
10TH DISTRICT, VIRGINIA

WASHINGTON OFFICE
104 CANNON BUILDING
WASHINGTON, DC 20515-4610
(202) 225-5136

CONSTITUENT SERVICES OFFICES

13873 PARK CENTER ROAD
SUITE 130
HERNDON, VA 22071
(703) 709-5800
1-(800)-945-9653
(WITHIN VIRGINIA)

110 NORTH CAMERON STREET
WINCHESTER, VA 22601
(703) 667-0990

Congress of the United States
House of Representatives
Washington, DC 20515-4610

November 8, 1993

1/10
92-235
COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES
TRANSPORTATION

TREASURY—POSTAL SERVICE—GENERAL
GOVERNMENT

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

4576

Mr. James H. Quello
Chairman
Federal Communications Commission
1919 M Street, S.W.
Washington, D.C. 20554

Dear Mr. Quello:

I have enclosed a copy of a letter I received from the Mayor of Winchester, Virginia, Gary W. Chrisman, concerning Federal Communications PR Docket No. 92-235.

As you may know, I have shared with the Federal Communications Commission letters and comments I have received from my constituents on this subject. It is distressing to learn that the city of Winchester only recently found out about this notice of proposed rule making. Mayor Chrisman has informed me that Winchester was not send a copy of PR Docket No. 92-235 nor given an opportunity to participate in the official comment period.

Mayor Chrisman is greatly concerned about the effect this rule would have on the operations of police, fire, and sheriff radio systems in cities and counties throughout the nation. It concerns me as well that cities like Winchester across the country may be unaware of these changes which will increase their costs and affect the suitability of their radio equipment. I have enclosed a copy of Mayor Chrisman's letter for your review.

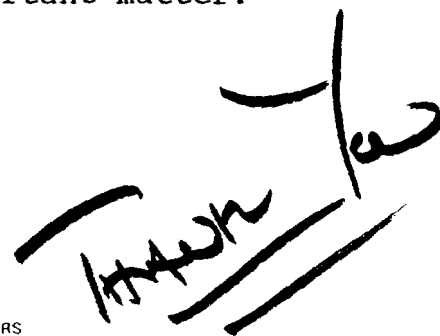
In light of these serious problems, I believe the Federal Communications Commission should withdraw this proposal, reopen this matter for public comment, and reconsider the implementation of this rule. I would appreciate your sharing with me any observations you may have on this subject. At the very least, a full public discussion is called for before a determination of this magnitude is made.

Thank you for your attention to this important matter.

Sincerely,



Frank R. Wolf
Member of Congress





CITY OF WINCHESTER, VIRGINIA

October 21, 1993

Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
703-667-1815
FAX: 703-722-3618
TDD: 703-722-0782

Congressman Frank Wolf
104 Cannon House Office
Building
Washington, D. C. 20515

Dear Congressman Wolf:

This is in reference to Federal Communications PR Docket No. 92-235, a Notice of Proposed Rule Making, adopted on October 8, 1992 and released on November 6, 1993.

This proposed Rule Making by the FCC was designed to promote more efficient use of the radio spectrum (frequency bands) below 512 MHz that are allocated to the private land mobile radio services. This portion of the spectrum includes the majority of radio systems used by all Fire and Rescue Services, Police, Sheriff and other law enforcement services in our nation.

The method as outlined in the proposal will not do this.

Only within the past few weeks has the City of Winchester, Virginia been made aware of the existence of this Notice of Proposed Rule Making. We were never sent a copy nor given an opportunity to participate during the official comment period which closed in June 1992. Since we are the primary users of these frequencies it would seem only appropriate that we have some voice in the discussion.

This opportunity was denied to us. Instead, the Notice of Proposed Rule Making was sent to what is know as "user groups" which are mainly made up of communications vendors.

We will be affected significantly. It will drive up not only our costs to unreasonable high levels, but also costs of all cities, towns and localities throughout the country.

Our consultants find that the proposal is highly inefficient with respect to maximum efficiency and use of the spectrum and that it is impossible for it to achieve it's stated goal of 300% to 500% increase in available channels. In fact, consultants estimate that using this FCC proposal efficiency will only increase by approximately 15% to 20%.

"THE APPLE CAPITAL"

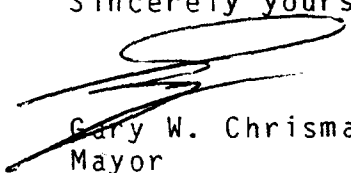
Further, the proposal would require us to replace all of our radio communications equipment several times over the next few years with it's step-by-step process, rather than only once if other methods would be used.

It seems to us that this is a poorly thought out plan and we ask that you request the Federal Communications Commission to immediately withdraw PR Docket No. 92-235 and then require the FCC to ask the users of these frequencies for their opinion of the options available for efficient use of the spectrum. There are many.

It is our understanding that the FCC may be considering releasing the plan by the end of 1993. We respectfully ask that you request a withdrawal of the proposal and provide additional time for rethinking of the process.

Thank you for any help you may be able to provide for the citizens of Winchester, Virginia.

Sincerely yours,



Gary W. Chrisman
Mayor